

Chapter 266

(House Bill 366)

AN ACT concerning

**Public Safety – Building Performance Standards – ~~Fire and Life Safety~~
Automatic Fire Sprinkler Systems**

FOR the purpose of prohibiting a local jurisdiction, ~~with a certain exception~~ *exceptions*, from adopting local amendments to the Maryland Building Performance Standards if the local amendments weaken ~~fire and life safety~~ certain automatic fire sprinkler systems provisions contained in the Standards; providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act; providing for the application of this Act; and generally relating to the authority of local jurisdictions to amend the Maryland Building Performance Standards.

BY repealing and reenacting, with amendments,

Article – Public Safety
Section 12–504
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Public Safety
Section 12–504
Annotated Code of Maryland
(2011 Replacement Volume)
(As enacted by Chapter 369 of the Acts of the General Assembly of 2011)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Public Safety

12–504.

(a) **(1)** A local jurisdiction may adopt local amendments to the Standards if the local amendments do not:

~~(1)~~ **(1)** prohibit the minimum implementation and enforcement activities set forth in § 12–505 of this subtitle; [or]

~~(2)~~ **(II)** weaken energy conservation and efficiency provisions contained in the Standards; **OR**

~~(3)~~ **(III)** EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, WEAKEN ~~FIRE AND LIFE SAFETY~~ THE AUTOMATIC FIRE SPRINKLER SYSTEMS PROVISIONS FOR TOWNHOUSES AND ONE- AND TWO-FAMILY DWELLINGS CONTAINED IN THE STANDARDS.

(2) PARAGRAPH (1)(III) OF THIS SUBSECTION DOES NOT APPLY TO:

(I) STANDARDS GOVERNING ISSUANCE OF A BUILDING PERMIT FOR A PROPERTY NOT CONNECTED TO AN ELECTRICAL UTILITY; OR

(II) UNTIL JANUARY 1, 2016, STANDARDS GOVERNING ISSUANCE OF A BUILDING PERMIT FOR A NEW ONE- OR TWO-FAMILY DWELLING CONSTRUCTED ON:

1. A LOT SUBJECT TO A VALID UNEXPIRED PUBLIC WORKS UTILITY AGREEMENT THAT WAS EXECUTED BEFORE MARCH 1, 2011; OR

2. A LOT SERVED BY AN EXISTING WATER SERVICE LINE FROM A WATER MAIN TO THE PROPERTY LINE THAT:

A. IS LESS THAN A NOMINAL 1-INCH SIZE;

B. IS APPROVED AND OWNED BY THE PUBLIC OR PRIVATE WATER SYSTEM THAT OWNS THE MAINS;

C. WAS INSTALLED BEFORE MARCH 1, 2011; AND

D. IS FULLY OPERATIONAL FROM THE PUBLIC OR PRIVATE MAIN TO A CURB STOP OR METER PIT LOCATED AT THE PROPERTY LINE.

(b) If a local jurisdiction adopts a local amendment to the Standards, the Standards as amended by the local jurisdiction apply in the local jurisdiction.

(c) If a local amendment conflicts with the Standards, the local amendment prevails in the local jurisdiction.

(d) A local jurisdiction that adopts a local amendment to the Standards shall ensure that the local amendment is adopted in accordance with applicable local law.

(e) To keep the database established under this subtitle current, a local jurisdiction that adopts a local amendment to the Standards shall provide a copy of the local amendment to the Department:

- (1) at least 15 days before the effective date of the amendment; or
- (2) within 5 days after the adoption of an emergency local amendment.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Public Safety

12–504.

(a) (1) A local jurisdiction may adopt local amendments to the Standards if the local amendments do not:

(i) prohibit the minimum implementation and enforcement activities set forth in § 12–505 of this subtitle; [or]

(ii) weaken energy conservation and efficiency provisions contained in the Standards; **OR**

(III) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, WEAKEN ~~FIRE AND LIFE SAFETY~~ THE AUTOMATIC FIRE SPRINKLER SYSTEMS PROVISIONS FOR TOWNHOUSES AND ONE- AND TWO-FAMILY DWELLINGS CONTAINED IN THE STANDARDS.

(2) (i) Regardless of whether the International Green Construction Code is adopted by the Department under § 12–503(d) of this subtitle, a local jurisdiction may adopt the International Green Construction Code.

(ii) A local jurisdiction may make local amendments to the International Green Construction Code.

(3) PARAGRAPH (1)(III) OF THIS SUBSECTION DOES NOT APPLY TO:

(I) STANDARDS GOVERNING ISSUANCE OF A BUILDING PERMIT FOR A PROPERTY NOT CONNECTED TO AN ELECTRICAL UTILITY; OR

(II) UNTIL JANUARY 1, 2016, STANDARDS GOVERNING ISSUANCE OF A BUILDING PERMIT FOR A NEW ONE- OR TWO-FAMILY DWELLING CONSTRUCTED ON:

1. A LOT SUBJECT TO A VALID UNEXPIRED PUBLIC WORKS UTILITY AGREEMENT THAT WAS EXECUTED BEFORE MARCH 1, 2011; OR

2. A LOT SERVED BY AN EXISTING WATER SERVICE LINE FROM A WATER MAIN TO THE PROPERTY LINE THAT:

A. IS LESS THAN A NOMINAL 1-INCH SIZE;

B. IS APPROVED AND OWNED BY THE PUBLIC OR PRIVATE WATER SYSTEM THAT OWNS THE MAINS;

C. WAS INSTALLED BEFORE MARCH 1, 2011; AND

D. IS FULLY OPERATIONAL FROM THE PUBLIC OR PRIVATE MAIN TO A CURB STOP OR METER PIT LOCATED AT THE PROPERTY LINE.

(b) If a local jurisdiction adopts a local amendment to the Standards, the Standards as amended by the local jurisdiction apply in the local jurisdiction.

(c) If a local amendment conflicts with the Standards, the local amendment prevails in the local jurisdiction.

(d) A local jurisdiction that adopts a local amendment to the Standards shall ensure that the local amendment is adopted in accordance with applicable local law.

(e) To keep the database established under this subtitle current, a local jurisdiction that adopts a local amendment to the Standards shall provide a copy of the local amendment to the Department:

(1) at least 15 days before the effective date of the amendment; or

(2) within 5 days after the adoption of an emergency local amendment.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect on the taking effect of Chapter 369 of the Acts of the General Assembly of 2011. If Section 2 of this Act takes effect, Section 1 of this Act shall be abrogated and of no further force and effect.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any building permit for which an application is submitted before the effective date of this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 3 of this Act, this Act shall take effect October 1, 2012.

Approved by the Governor, May 2, 2012.